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Note verbale dated 8 November 2005 from the Permanent Mission of Slovenia to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of Slovenia to the United Nations presents its compliments to the secretariat of the Committee and, with reference to the letter of the Chairman dated 8 September 2005, has the honour to submit to the Committee additional information of the Republic of Slovenia on the steps taken to implement Security Council resolution 1540 (2004) (see annex).

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Annex to the note verbale dated 8 November 2005 from the Permanent Mission of Slovenia to the United Nations addressed to the Chairman of the Committee

Additional information of the Republic of Slovenia on the steps taken to implement Security Council resolution 1540 (2004)

I Additional information of the Republic of Slovenia on the steps taken to implement Resolution 1540 (2004) that amend the initial Slovenia's report on the implementation of the said Resolution as adopted at the Government session of 27 October 2004 and sent to the UN Security Council on 28 October 2004:

1/ Part 1 of the Resolution (OP 1)

a) **item 8** (p. 1) "CPPNM" – On 8 July 2005 Slovenia signed the amended Convention on Physical Protection of Nuclear Material (CPPNM). The ratification process is under way and it is expected that the National Assembly will ratify the amended Convention in the first half of 2006.

b) **items 3 and 6 (p. 1)** – As far as Slovenia's status related to the Biological (Toxin) Weapons Convention is concerned we wish to add that Slovenia acquired the status of a State Party through the succession to the former Socialist Federal Republic of Yugoslavia, which was a State Party to both documents on the day of Slovenia's declaration of independence (25 June 1991). Pursuant to the Basic Constitutional Charter adopted on 25 June 1991 (Ur. l. RS No. 1/1991), Slovenia took over the entire legal order and all international obligations of the former SFRY. After its international recognition, in the beginning of 1992 Slovenia notified the BTWC and NPT depositaries that it was taking over the contractual status after the former SFRY. Consequently, Slovenia considers itself as a State Party to both Conventions as of 25 June 1991.

c) **item 10** (p. 1) "Geneva Protocol of 1925" – Slovenia is not a party to the Protocol, as it became an independent State only in 1991. Nevertheless, Slovenia respects and implements the Protocol as a State Party to the BTWC and CWC Conventions. In this respect Slovenia solemnly declares that it has never and will never manufacture or in any other way acquire, purchase or use neither poisonous nor asphyxiating gases. Slovenia is of the opinion that it is bound to assume this obligation already on the basis of its status as a State Party to the BTWC and CWC Conventions.

d) **item 11** (p. 1) "Other Arrangements" – Slovenia wishes to inform the 1540 Committee that in February 2005 it formally became a member of the Wassenaar Arrangement (WA), which during the last years has asserted itself as one of the five international export control regimes. Already in 2003 Slovenia filed an application for the MTCR ("Missile Technology Control Regime") membership; despite its wish to become a member this has not yet been realised.

2/ Part 2 of the Resolution (OP 2)

Biological Weapons
Slovenia wishes to reiterate that by now it has never manufactured, developed, purchased or in any other way acquired, stored or used biological and toxic weapons. As a BTWC State Party, Slovenia solemnly declares that it will not do anything of the above in the future.

a) item 6 (p. 3) "Transport" – This area is regulated by Article 22 of the Transport of Dangerous Substances Act of 1999. As regards administrative penalties Article 54 of the said Act applies.

b) item 14 (p. 3) "Other" – In October 2005, the Government of the Republic of Slovenia adopted draft law on the control of strategic goods of special importance for health and safety, which defines a new legal order for the management of biological and chemical weapons. The said law has already been submitted to the National Assembly of the Republic of Slovenia (the Parliament). We expect it to be adopted in the first half of 2006. The law will better regulate the conditions for the handling of biological weapons on the territory of the Republic of Slovenia, since it defines in detail all regulations from the matrixes on page 3 of the report. Consequently, we will have the possibility to fulfil the missing parts of the matrix on page 3 (items 3, 5, 6 and 8).

Chemical Weapons
Slovenia wishes to reiterate that by now it has never manufactured, developed, purchased or in any other way acquired, stored or used chemical weapons. As a CWC State Party, Slovenia solemnly declares that it will not do anything of the above in the future.

a) items 3, 5, 6, 9, 10, 11 and 12 (p. 3) – All these activities are regulated by relevant provisions of the Chemical Weapons Act of 1999. The transport of chemical weapons is regulated by Article 22 of the Transport of Dangerous Substances Act of 1999. Article 54 of the same Act defines the administrative penalties applying to any infringement of the Act's provisions.

b) item 14 "Other" (p. 4) – The entire area of chemical and biological weapons will be regulated by the new law on the control of strategic goods, which is expected to be adopted in the first half of 2006. The new law will replace the presently applicable Chemical Weapons Act of 1999.

Nuclear Weapons and Related Materials
Slovenia wishes to reiterate that by now it has never manufactured, developed, purchased or in any other way acquired or used nuclear weapons. As an NPT and CTBT State Party, Slovenia solemnly declares that it will not do anything of the above in the future. Pursuant to Article 4 of the NPT Slovenia uses nuclear energy only for civil purposes, while its nuclear programme is under the relevant control of the IAEA and EURATOM, in compliance with the Safeguards Agreement and its Additional Protocol.

a) item 3 (p. 5) "Possession" – In addition to the Penal Code this area is also regulated by Article 121 (paragraph 2) of the Ionising Radiation Protection and Nuclear Safety Act.

b) item 5 (p. 5) "Development" – In addition to the Penal Code this area is also regulated by Article 121 (paragraph 1) of the Ionising Radiation Protection and Nuclear Safety Act.

c) item 6 (p. 5) "Transport" – This area is regulated by the following: Article 22 of the Transport of Dangerous Substances Act of 1999, and Articles 2, 11 and 100 of the already mentioned Ionising Radiation Protection and Nuclear Safety Act. With regard to the administrative penalties it needs to be stated that any infringement of the Act is covered by the provisions of Article 139 of the Ionising Radiation Protection and Nuclear Safety Act, and Article 54 of the Transport of Dangerous Substances Act.

d) item 8 (p. 5) "Use" – This area is regulated by Article 121, paragraph 1 of the Ionising Radiation Protection and Nuclear Safety Act. Article 139 of the same Act also defines the administrative penalties applying to any infringement of the Act's provisions.

e) items 10 and 13 (p. 5) – This area is regulated by Article 121, paragraph 2 of the Ionising Radiation Protection and Nuclear Safety Act, stipulating that "only a person who has a licence for carrying out a radiation practice in accordance with this Act may be in possession of nuclear goods" (whereby, on the basis of Article 3 of the same Act, nuclear weapons are also classified among nuclear goods).

3/ Part 3 of the Resolution (OP 3)

A Physical protection of biological weapons

a) item 4 (p. 6) "Measures to account for transport" – Relevant legal basis and administrative penalties are defined in the Transport of Dangerous Substances Act of 1999 (Articles 22 and 39).

B Physical protection of chemical weapons

a) item 4 (p. 10) "Measures to account for transport" – Relevant legal basis and administrative penalties are defined in the Transport of Dangerous Substances Act of 1999 (Articles 22 and 39).

b) item 15 (p. 8) "National CWC Authority" – The National Chemicals Bureau of the Republic of Slovenia has been appointed as the competent national authority for the implementation of the CWC Convention.

c) item 19 (p. 9) "Other" – The new law on the control of strategic goods of particular importance, to be adopted in the second half of 2006, will define the new legal basis for the handling (i.e. development, manufacture, transport, transfer) of chemical weapons.

C Physical protection of nuclear weapons and related materials

a) item 4 (p. 10) "Measures to account for transport" – Relevant measures are defined in the Transport of Dangerous Substances Act of 1999 (Articles 22 and 39).

b) item 13 (p. 10) "Reliability check of personnel" – This area is regulated by Article 120 (Security screening of persons) of the Ionising Radiation Protection and Nuclear Safety Act.

c) item 15 (p. 10) – The Slovene administrative authority in the area of nuclear substances inventory records is the Slovene Nuclear Safety Administration; pursuant to Article 138 of the Ionising Radiation Protection and Nuclear Safety Act both the Ministry of the Interior and the Nuclear Safety Administration are in charge of physical protection.

d) item 16 (p. 11) – In Slovenia the IAEA Additional Protocol has been in force since 2000 and not since 1998 as indicated in the 1540 Committee matrix.

e) item 20 (p. 11) – The implementing regulations for the Ionising Radiation Protection and Nuclear Safety Act were adopted in 2005.

4/ OP 3 (c) and (d) and related matters from OP 6 and OP 10

A) Controls of BW including related materials (pp. 12/13)

a) item 1 (p. 12) "Border control" – The relevant penal provisions are contained in the Border Control Act and in art. 310 of the Penal Code. In this area we would also mention European Customs Rules Implementation Act from 2004, which is applicable here. This act enacted administrative penalties for physical legal and persons, entrepreneurs in cases of illegal transport of goods outside border posts.

b) item 3 (p. 12) "Brokering" - The new law on the control of strategic goods of particular importance for safety and health to be adopted in the second half of 2006 will provide new legal basis for brokering in this field.

c) items 5 and 6 (p. 12) *"Export control legislation"* and *"Licensing provisions"* – The relevant penal provisions are contained in the 2001 Export Control of Dual-Use Goods Act (amended in 2004) and in European Customs Rules Implementation Act from 2004.

d) items 17, 18, 19 (p. 13) "End-user controls", "the catch all clause" and "intangible transfers" – are governed by Articles 5 and 11 of the above-mentioned 2001 Export Control of Dual-Use Goods Act (amended in 2004) and by Regulation on Executing of Export Control of Dual use Goods. "End User Controls" are also governed by art. 4 of the EU Council Regulation 1334/2000. "Intangible transfers" are also governed by art. 2 b)ii of the EU Council Regulation 1334/2000.

e) item 20 (p. 13) "Transit Control" (p. 13) - in this regard we note different definitions of "transit control." In this context we would like to bring to your attention working definition proposed by European Commission for EU members: **"A transport of goods entering and passing through the territory of EU with destination outside EU."** This definition will be included to the amended Council regulation 1334/2000, and will be legally binding for all EU member states.

f) item 21 (p. 13) "Transshipment" - In this context we would like to bring to your attention working definition proposed by European Commission for EU members: **"Transshipment is physical operation of unloading goods, followed by a reloading generally onto another mean of transport."** This definition will be included to the amended Council regulation 1334/2000, and will be legally binding for all EU member states.

b) item 25 (p. 13) "Control of importation" – We would like to remark in this regard that Slovenia joined the European Union (EU) on 1 May 2004 as a full member. This means that Slovenia became part of the EU internal market. Therefore it no longer has the possibility to control the export of all substances and materials from other EU members figuring on the list of dual-use goods in compliance with the Council Regulation 1334/2000.

g) item 27 (p. 13) "other" – The new law on the control of strategic goods of particular importance for safety and health to be adopted in the second half of 2006.

B) Controls of CW including related materials (pp. 14/15)

a) items 1, 3, 5, 6, 17, 18, 19, 20, 21, 25 (p. 14) – Same applies as for the items relating to biological weapons (pp. 12 and 13).

C) Controls of NW including related materials (pp. 16/17)

a) items 1, 5, 17, 18, 19, 20, 21, 25 (p. 14) – Same applies as for the items relating to biological weapons (pp. 12 and 13).

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II The Government of the Republic of Slovenia is ready to provide any kind of assistance related to the implementation of the resolution 1540/04 to other member states of the United Nations.

III The Government of the Republic of Slovenia agrees that all public materials it has submitted to the United Nations, the International Atomic Energy Agency (IAEA) or the Organization for the Prohibition of Chemical Weapons (OPCW) may be used by the committee in the course of consideration of Slovenian national report and further published by the committee.